#### 109TH CONGRESS 1ST SESSION

# H. R. 501

To enforce the public interest obligations of broadcast station licensees to their local communities.

### IN THE HOUSE OF REPRESENTATIVES

February 1, 2005

Ms. Slaughter (for herself, Mr. Holt, Mr. Grijalva, Mr. Filner, Mr. Rangel, Mr. Owens, Ms. Watson, Mr. Kucinich, Mr. Hinchey, Mr. McDermott, Ms. Woolsey, and Mr. George Miller of California) introduced the following bill; which was referred to the Committee on Energy and Commerce

## A BILL

To enforce the public interest obligations of broadcast station licensees to their local communities.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Fairness and Account-
- 5 ability in Broadcasting Act".
- 6 SEC. 2. FINDINGS.
- 7 The Congress finds the following:
- 8 (1) The Communications Act of 1934 requires
- 9 the Federal Communications Commission and broad-

- 1 cast licensees to promote the "public interest," a 2 phrase that appears 40 times in the legislation.
  - (2) Because broadcasters receive free licenses to use the public's airwaves, estimated to be worth hundreds of billions of dollars, they have an obligation to uphold the public's interest, and to adequately inform the public about news and opinion.
  - (3) From 1949 to 1987, a policy of the Federal Communications Commission (FCC) required that radio and television stations air all sides of important or controversial issues, and give equal time to all candidates.
  - (4) Since the rescission of the Fairness Doctrine, the country has experienced a proliferation of highly partisan networks, news outlets, and ownership groups that disseminate unbalanced news coverage and broadcast content.
  - (5) News consumers, particularly those of talk radio, are overwhelmingly exposed to a single point of view. A 2004 survey by Democracy Radio revealed that 90 percent of all broadcast hours on talk radio are characterized as conservative. This imbalance results in issues of public importance receiving little or no attention, while others are presented in a manner not conducive to the listeners' receiving the facts

- and range of opinions necessary to make informed
  decisions.
- 3 (6) The 2004 survey, done by Democracy
  4 Radio, found that there were 2,349 hours of local
  5 conservative programs broadcast every week versus
  6 555 hours of local progressive programs, and 39,382
  7 hours of national conservative programs broadcast
  8 every week versus 2,487 hours of national progres9 sive programs.
  - (7) An April 2004 poll, conducted by Media Matters for America of likely voters shows overwhelming support across the political and demographic spectrum for restoring rules requiring fairness and balance on the public's airwaves. When asked whether television and radio stations that use the public's airwaves should be required to present the sides of an issue in a reasonably balanced way including giving time to opposing points of view.
  - (8) Democracy is built on the concept that the views, beliefs, and values of an informed citizenry provide the best basis for political decision-making.

1	SEC. 2. IMPLEMENTATION OF PUBLIC INTEREST STAND-
2	ARDS.
3	Section 309 of the Communications Act of 1934 (47
4	U.S.C. 309) is amended by adding at the end the following
5	new subsection:
6	``(l) Implementation of Public Interest Stand-
7	ARD.—
8	"(1) Purpose.—The purposes of this sub-
9	section are—
10	"(A) to restore fairness in broadcasting;
11	"(B) to ensure that broadcasters meet
12	their public interest obligations;
13	"(C) to promote diversity, localism, and
14	competition in American media; and
15	"(D) to ensure that all radio and television
16	broadcasters—
17	"(i) are accountable to the local com-
18	munities they are licensed to serve;
19	"(ii) offer diverse views on issues of
20	public importance, including local issues;
21	and
22	"(iii) provide regular opportunities for
23	meaningful public dialogue among lis-
24	teners, viewers, station personnel, and li-
25	censees.

- 1 "(2) STANDARDS FOR PUBLIC INTEREST DE2 TERMINATIONS.—The Commission may not issue or
  3 renew any license for a broadcasting station based
  4 upon a finding that the issuance or renewal serves
  5 the public interest, convenience, and necessity unless
  6 such station is in compliance with the requirements
  7 of this subsection.
  - "(3) COVERAGE OF ISSUES OF PUBLIC IMPORTANCE.—Each broadcast station licensee shall, consistent with the purposes of this subsection, cover issues of importance to their local communities in a fair manner, taking into account the diverse interests and viewpoints in the local community.
  - "(4) Hearings on Needs and interests of the community.—Each broadcast station licensee shall hold two public hearings each year in its community of license during the term of each license to ascertain the needs and interests of the communities they are licensed to serve. One hearing shall take place two months prior to the date of application for license issuance or renewal. The licensee shall, on a timely basis, place transcripts of these hearings in the station's public file, make such transcripts available via the Internet or other electronic means, and submit such transcripts to the Commission as a part

of any license renewal application. All interested individuals shall be afforded the opportunity to participate in such hearings.

> "(5) Documentation of Issue Coverage.— Each broadcast station licensee shall document and report in writing, on a biannual basis, to the Commission, the programming that is broadcast to cover the issues of public importance ascertained by the licensee under paragraph (3) or otherwise, and on how such coverage reflects the diverse interests and viewpoints in the local community of such station. Such documents shall also be placed, on a timely basis, in the station's public file and made available via the Internet or other electronic means.

### "(6) Consequences of failure.—

"(A) Petitions to deny.—Any interested person may file a petition to deny a license renewal on the grounds of—

"(i) the applicant's failure to afford reasonable opportunities for presentation of opposing points of view on issues of public importance in its overall programming, or the applicant's non-compliance with the Commission's programming rules

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1	and policies relating to news staging and
2	sponsorship identification;
3	"(ii) the failure to hold hearings as
4	required by paragraph (3);
5	"(iii) the failure to ascertain the needs
6	and interests of the community; or
7	"(iv) the failure to document and re-
8	port on the manner in which fairness and
9	diversity have been addressed in local pro-
10	gramming.
11	"(B) Commission review.—Any petition
12	to deny filed under subparagraph (A) shall be
13	reviewed by the Commission. If the Commission
14	finds that the petition provides prima facie evi-
15	dence of a violation, the Commission shall con-
16	duct a hearing in the local community of license
17	to further investigate the charges prior to re-
18	newing the license that is the subject of such
19	petition.
20	"(C) Other remedies.—Nothing in this
21	subsection shall preclude the Commission from
22	imposing on a station licensee any other sanc-
23	tion available under this Act or in law for a
24	failure to comply with the requirements of this
25	subsection.

- 1 "(7) ANNUAL REPORT.— The Commission shall
- 2 report annually to the Congress on petitions to deny
- 3 received under this subsection, and on the Commis-
- 4 sion's decisions regarding those petitions.".

### 5 SEC. 3. TERM OF LICENSE.

- 6 (a) Amendment.—Section 307(c)(1) of the Commu-
- 7 nications Act of 1934 (47 U.S.C. 307(c)(1)) is amended
- 8 by striking "8 years" each place it appears and inserting
- 9 "4 years".
- 10 (b) Effective Date.—The amendment made by
- 11 subsection (a) shall be effective with respect to any license
- 12 granted by the Federal Communications Commission after
- 13 the date of enactment of this Act.

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